

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:33 A.M. on January 30, 2006, in Room 123-S of the Capitol.

All members were present except:

Donald Betts - excused
Phil Journey arrived, 9:37 a.m.
Dwayne Umbarger arrived, 9:38 a.m.
Barbara Allen arrived, 9:40 a.m.
David Haley arrived, 10:00 a.m.

Committee staff present:

Mike Heim, Kansas Legislative Research Department
Helen Pedigo, Office of Revisor of Statutes
Karen Clowers, Committee Secretary

Conferees appearing before the committee:

Senator Phil Journey
Eric K. Rucker, Chief of Staff, Senior Deputy Attorney General
Edward P. Cross, Executive Vice President, Kansas Independent Oil and Gas Association
Kathy Olsen, Kansas Bankers Association
Kathy Sachs, Deputy Assistant Secretary of State, Electronic Government Services
Marilyn L. Nichols, Register of Deeds, Shawnee County

Others attending:

See attached list.

Bill Introductions

Mark Stafford, Kansas Board of Healing Arts, requested the introduction of a bill authorizing criminal background checks. Senator Goodwin moved, Senator Donovan seconded, to introduce as a committee bill. Motion carried.

Final Action on SB 261–Revised Kansas code for care of children

The Chairman indicated copies of letters from the Judicial Council (Attachment 1) and the Office of Judicial Administration (Attachment 2) requesting amendments to **SB 261**. The first amendment was regarding jury trials in Section 57. Senator Bruce moved, Senator Schmidt seconded, to amend line 21, page 50 by striking the word “shall” and inserting the word “may”. Motion carried.

The second proposed amendment pertained to Section 35. Senator Bruce moved, Senator Schmidt seconded, page 36, line 35, add a sub-subsection which reads “due to the risk the juvenile presents to public safety”. Motion carried.

A third amendment was requested to address Section 70(b) pertaining to limits on good time credits. The amendment was proposed by Mr. Ron Paschal, and is supported by Judge Burgess, Presiding Judge, Sedgwick County District Court (Attachment 3). It is opposed by the Juvenile Justice Authority, they feel that this will disrupt their system and create morale problems with the inmates. Following discussion Senator Journey moved, to amend page 68, line 31-32, to limit good time credit to 30% of the offenders sentence and to make it only prospective, not retroactive. Motion died for lack of a second.

Senator Journey moved to amend page 68, line 31-32, to limit good time credit to 15% of the offenders sentence and to make it only prospective, not retroactive. Senator Bruce seconded. Motion carried.

A balloon amendment was presented from the Judicial Council containing several technical changes (Attachment 4). Senator Bruce moved, Senator Umbarger seconded, to adopt the balloon amendment **SB 261**. Motion carried.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:33 A.M. on January 30, 2006, in Room 123-S of the Capitol.

Senator Journey moved, Senator Donovan seconded, to favorably recommend **SB 261** as amended. Motion carried.

The hearing on **SB 221--Mentally ill persons subject to involuntary commitment not allowed to possess a firearm; certification of restoration** was opened.

Senator Phil Journey spoke as a proponent (Attachment 5). He stated that the effect of this bill would require the courts report to the Kansas Bureau of Investigation (KBI) the commitment of an individual found to be a danger to themselves or others. It would also require the KBI to notify the Federal Bureau of Investigation of the court's finding to alert background checks for the purchase of firearms. It is currently a violation of Federal law for incompetent individuals to possess firearms or to transfer firearms to an incompetent person. Most states prohibit firearms for reason on mental illness. The Senator also noted that some dates within the bill would need to be amended.

Eric Rucker spoke in support of **SB 221** agreeing with Senator Journey's testimony (Attachment 6).

Written testimony in support of **SB 221** was submitted by Michael Hammond, Association of Community Mental Health Centers of Kansas, Inc. (Attachment 7)

There being no further conferees, the Chairman closed the hearing on **SB 221**.

The hearing on **SB 336--Uniform Real Property Electronic Recording Act** was opened.

The Chairman briefed the committee on the bill.

Ed Cross spoke as a proponent stating that **SB 336** will help counties with huge volumes of recordings deal with volume issues (Attachment 8). He noted contentious issues surrounding formatting and content of recorded instruments are ongoing and many counties are not structured to work with electronic documents. For these reasons, paper filings must be retained and whatever special format standards may come to be required for electronic filing should not be imposed on paper filings too. The oil and gas industry is supportive of the structure of the Commission to be formed to develop these standards which in addition to Register of Deeds, will include representatives from various industries and professions that work with recording issues.

Kathy Olsen spoke in support of **SB 336** and stressed the importance of maintaining reliable real estate records (Attachment 9). She stated that this bill does not implement electronic filing, only the idea of electronic filing.

Kathy Sachs testified in support of the bill but has concerns regarding the Uniform Electronic Transactions Act (Attachment 10). The Secretary of State's office has promulgated rules and regulations for electronic notarization and respectfully requested to be included in the Commission created by this bill.

Marilyn Nichols testified in a neutral position but stated several concerns including commission members and establishing standards (Attachment 11).

There being no further conferees, the hearing on **SB 336** was closed.

Final action **SB 336--Uniform Real Property Electronic Recording Act**

Following discussion of testimony, Senator Goodwin moved, Senator Bruce seconded, to amend page 2, following line 42 to add a representative from the Kansas Secretary of State's office and increase the number of Commission members to 13. Motion carried.

Senator Journey moved, Senator Donovan seconded, to recommend **SB 336** favorably as amended. Motion carried.

The meeting adjourned at 10:30 a.m. The next scheduled meeting is January 31, 2006.